Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of the Russian Federation*

I. Introduction

1. The Committee considered the initial report of the Russian Federation (CRPD/C/RUS/1) at its 379th and 380th meetings (see CRPD/C/SR.379 and 380), held on 27 and 28 February 2018. It adopted the present concluding observations at its 391st meeting, held on 7 March 2018.

2. The Committee welcomes the initial report of the Russian Federation, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for its written replies (CRPD/C/US/Q/1/Add.1) to the list of issues prepared by the Committee (CRPD/C/RUS/Q/1).

3. The Committee appreciates the fruitful dialogue held with the delegation of the State party during the consideration of the report and commends the State party for the strength of its delegation, which included representatives of the authorities responsible for the implementation of the Convention on the Rights of Persons with Disabilities.

II. Positive aspects

4. The Committee welcomes the efforts made by the State party to ensure its implementation of the rights of persons with disabilities outlined in the Convention, in particular:

(a) The explicit prohibition of discrimination based on disability in the legislation of the State party;

(b) The adoption of the State Accessible Environment Programme for 2011–2020;

(c) The reference to the Committee's Views on individual communications in the Supreme Court compendium of judicial practice for 2013–2017;

(d) The increase in the number of students with disabilities in inclusive education;

(e) The accession to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (the Marrakesh Treaty) on 8 February 2018.

* Adopted by the Committee at its nineteenth session (14 February–9 March 2018).

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

5. The Committee notes that the State party has not ratified the Optional Protocol to the Convention.

6. **The Committee recommends that the State party ratify the Optional Protocol to the Convention in a timely manner.**

7. The Committee notes that the official translation of the term "persons with disabilities" into Russian as "invalidi" does not reflect the human rights model.

8. **The Committee recommends that the State party amend the official translation of the Convention and use terms that fully reflect the human rights model.**

9. The Committee notes that the State party continues to rely on medical care and rehabilitation and that there is still a focus on creating specialized services, which may lead to segregation. While noting the 2014 Federal Law No. 419 on the rights of persons with disabilities, the Committee is concerned about the insufficient efforts to harmonize legislation on persons with disabilities with the Convention, and the lack of mechanisms for the implementation of the existing legislation.

10. **The Committee recommends that the State party, in full and effective cooperation with persons with disabilities and their representative organizations, adopt all necessary measures to ensure the full compliance of legislation with the general principles and specific provisions in the Convention, and to ensure its effective implementation. In particular, the Committee recommends that it adopt measures in matters relating to non-discrimination and to the full transition to a human rights-based approach to disability. The Committee also recommends that the State party mainstream the rights of persons with disabilities and their access to services within existing systems, for their inclusion in the community across all regions of the State party.**

11. The Committee notes with concern the lack of a sufficiently transparent and comprehensive framework for ensuring full and effective consultation with representative organizations of persons with disabilities in the adoption, implementation and monitoring of legislation and policies relating to the rights of persons with disabilities.

12. **The Committee recommends that the State party develop a transparent and comprehensive framework for ensuring full and effective consultation with representative organizations of persons with disabilities in the adoption, implementation and monitoring of legislation and policies relating to the rights of persons with disabilities, including by establishing a funding framework to ensure the independence of those organizations.**

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

13. The Committee notes with concern that, under the current legislation, denial of reasonable accommodation is not explicitly recognized as a prohibited ground for discrimination in all areas. It is further concerned about the low value of the fines provided for in articles 5.42, 5.62, 9.13, 9.14 and 11.24 of the Code of Administrative Offences, which may not secure equal or adequate protection of rights for persons with disabilities.

14. **The Committee recommends that the State party amend its legislation to explicitly define the denial of reasonable accommodation as a prohibited ground for discrimination in all spheres of life, in accordance with article 5 of the Convention. It further recommends that the State party amend its Code of Administrative Offences to increase the value of fines provided for in articles 5.42, 5.62, 9.13, 9.14 and 11.24.**

The Committee also recommends that the State party be guided by the Convention in its implementation of target 10.2 of the Sustainable Development Goals.

Women with disabilities (art. 6)

15. The Committee notes with concern the absence of a legal framework to combat the multiple and intersectional discrimination faced by women and girls with disabilities. The Committee is also concerned about the insufficient implementation of public policies, including access to justice and complaint mechanisms, aimed at ensuring the development, advancement and empowerment of women and girls with disabilities.

16. **The Committee, in line with its general comment No. 3 (2016) on women and girls with disabilities, and in view of targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, recommends that the State party develop a legislative framework to combat the multiple and intersectional discrimination of women and girls with disabilities, in close cooperation with their representative organizations.**

Children with disabilities (art. 7)

17. The Committee is deeply concerned about the large numbers of boys and girls with disabilities living in institutions, referred to in paragraph 65 of the written replies to the list of issues prepared by the Committee.

18. **The Committee recommends that the State party adopt a strategy for the deinstitutionalization of boys and girls with disabilities with a set time frame. The Committee also recommends that the State party allocate resources to the development of a support service network in local communities and to the empowerment of families with children with disabilities and their further needs, in line with its general comment No. 5 (2017) on living independently and being included in the community.**

Accessibility (art. 9)

19. The Committee notes with concern that, in spite of the adoption of the State Accessible Environment Programme for 2011–2020, the creation of a barrier-free environment across all regions of the State party, including in remote and rural areas, is "limited by the need to strike a balance between such conditions and the economic possibilities of society, in accordance with the principle of reasonable accommodation", according to paragraph 25 of the State party's written replies to the list of issues. The Committee is also concerned that the programme does not provide accessibility for all types of impairment.

20. **The Committee recommends that the State party intensify its efforts to fully implement the State Accessible Environment Programme for 2011–2020, and work towards the creation of a barrier-free environment across all regions, including in remote and rural areas, in line with the Committee's general comment No. 2 (2014) on accessibility. It also recommends that the State party ensure that the programme is implemented effectively and that it provides accessibility for all types of impairment.**

21. The Committee notes with concern that deaf persons face challenges in gaining access to emergency hotline 112 across all regions of the State party, including in remote and rural areas.

22. **The Committee recommends that the State party ensure access to emergency hotline 112 across all regions, including in remote and rural areas, especially for deaf persons.**

23. The Committee notes with concern that persons with disabilities in some major cities face challenges in gaining access to parking spaces free of charge.

24. **The Committee recommends that the State party take appropriate measures to ensure that persons with disabilities can gain access to parking spaces free of charge.**

25. **The Committee also recommends that the State party be guided by article 9 of the Convention and the Committee's general comment No. 2 in its implementation of targets 11.2 and 11.7 of the Sustainable Development Goals.**

Equal recognition before the law (art. 12)

26. The Committee notes with concern that the legislation of the State party, especially the Civil Code and the Civil Procedure Code, upholds the concept of substituted decision-making and that it does not provide for supported decision-making mechanisms for persons with disabilities.

27. **The Committee recommends that the State party amend its legislation, in particular the Civil Code and the Civil Procedure Code, by introducing the concept of supported decision-making, fully harmonizing it with the provisions of article 12 of the Convention, as clarified in the Committee's general comment No. 1 (2014) on equal recognition before the law, and recognizing the full legal capacity of all persons with all types of disability.**

Access to justice (art. 13)

28. The Committee notes with concern the shortage of trained sign language interpreters for deaf persons in judicial and administrative proceedings, and the lack of documents in accessible formats for blind persons and persons with intellectual and/or psychosocial disabilities in various proceedings.

29. **The Committee recommends that the State party ensure that a sufficient number of sign language interpreters and documents in accessible formats, including Easy Read, Braille and other accessible formats, modes and means, are available to all persons with disabilities in all judicial and administrative proceedings.**

30. The Committee is concerned that the State party has not formulated policies to empower persons with disabilities to participate in the justice system as direct or indirect participants, such as lawyers, court officers or law enforcement officials.

31. **The Committee recommends that the State party increase its efforts in order to empower persons with disabilities to participate in the justice system as direct or indirect participants, such as lawyers, court officers or law enforcement officials.**

Liberty and security of the person (art. 14)

32. The Committee notes with concern that persons with disabilities, particularly with psychosocial disabilities, may still be deprived of their liberty in psychiatric hospitals or other institutions based on their impairment, under the provisions of the Criminal Code and the Code of Criminal Procedure.

33. **The Committee urges the State party to amend its Criminal Code and Code of Criminal Procedure, and fully harmonize their provisions with article 14 of the Convention and the Committee's guidelines on article 14 of the Convention (see A/72/55, annex).**

Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15)

34. The Committee notes with concern the reported ill-treatment of persons with disabilities in institutions, which may amount to torture or cruel and degrading treatment. The Committee is also concerned about the reported use of drugs to "control the sexual behaviour" of persons with disabilities, especially those with intellectual or psychosocial disabilities.

35. **The Committee recommends that the State party ensure that persons exposed to ill-treatment have access to complaint mechanisms, and that victims of torture and ill-treatment are entitled to and provided with redress and adequate compensation, including rehabilitation. The Committee further recommends that the State party review its legislation on the forcible administration of drugs in institutions.**

Freedom from exploitation, violence and abuse (art.16)

36. The Committee is concerned about the reported physical and psychological violence against persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, including autistic persons and children, and the use of physical and chemical restraints against those persons in institutions.

37. **The Committee recommends that the State party collect disaggregated data on persons with disabilities, especially women and children and including those placed in institutions, who are exposed to violence. The Committee calls upon the State party to intensify its efforts to protect all persons with disabilities from exploitation, violence and abuse. It also recommends that the State party investigate the reports of ill-treatment and abuse of persons with disabilities, in particular of children in institutions, and bring those who are responsible to justice.**

Protecting the integrity of the person (art. 17)

38. The Committee is concerned about the reported instances of forced sterilization of persons with disabilities, especially women and girls with intellectual or psychosocial disabilities and autistic persons, including when consent is given by the guardian of the person subjected to sterilization.

39. **The Committee recommends that the State party take appropriate measures to prevent the forced sterilization of any person with disabilities, including women and girls with intellectual or psychosocial disabilities, without the free and informed consent of that individual, with effective safeguards available for the persons concerned.**

Living independently and being included in the community (art. 19)

40. The Committee is deeply concerned about the large number of persons with disabilities living in institutions and about the limited opportunities for persons with disabilities, in particular those with intellectual and/or psychosocial disabilities, to gain access to services and participate in their local communities. It also notes with concern the lack of a strategy for deinstitutionalization, and that not all persons with disabilities are aware of the support services available to them or the ways in which they can claim assistance in their local community.

41. **In line with its general comment No. 5, the Committee recommends that the State party adopt a strategy to:**

(a) **Promote the rights of persons with disabilities to live independently and be included in the community;**

(b) **Develop accessible support services in local communities for persons of all ages with all types of disability;**

(c) **Systematically provide information to persons with disabilities and their families on how they can claim support services and assistance that would enable them to live independently and as part of the community, in accordance with their own choices.**

Personal mobility (art. 20)

42. The Committee is concerned that, based on the Technical Means of Rehabilitation system, persons with disabilities living in different regions do not have equal access to technical or other services, or to quality equipment for an individualized rehabilitation process.

43. **The Committee urges the State party to revise the current legislation and practices in order to provide equal access to rehabilitation, based on services and quality products provided by public and regional funds.**

Freedom of expression and opinion, and access to information (art. 21)

44. The Committee welcomes the recent increase in the number of sign language interpretation hours. It is however concerned about the insufficient number of sign language interpreters and the non-transparent monitoring of the quality of their services, with particular regard to public service providers. The Committee is also concerned about the lack of public information available in Easy Read format, and the lack of information on the implementation of the recently ratified Marrakesh Treaty.

45. **The Committee urges the State party to establish clear and binding obligations and standards for public services to ensure accessible information and communication methods for persons with all types of disability, with the relevant and effective safeguards, and after consultation with the representative organizations of persons with disabilities. In relation to paragraph 141 of the written replies to the list of issues, the Committee recommends that the State party establish a national register to monitor, in a transparent manner, the facilities of particular importance to persons with disabilities. The Committee also recommends that the State party provide information on the progressive implementation of the Marrakesh Treaty, based on a clear road map, in its next periodic report.**

Respect for home and the family (art. 23)

46. The Committee is concerned about the provisions of Government Decision No. 117 of 14 February 2013 and the Family Code of the Russian Federation, which do not allow a person with certain types of intellectual or psychosocial disability to marry and adopt a child, irrespective of the possible best interest of the child concerned.

47. **The Committee urges the State party to review the current legislation and available safeguards, and provide incentives to ensure that persons with disabilities are entitled to the rights to marry and to have a family on an equal basis with others.**

Education (art. 24)

48. The Committee is concerned that segregated education is still in practice, despite the increase in the number of children with disabilities in mainstream education, in line with the concept of inclusive education. The Committee is also concerned about the lack of transparent financial resources allocated and mechanisms established to ensure equal conditions and support for all persons with all types of impairment in general education, as guaranteed by federal legislation. The Committee is also concerned about regional disparities due to the varied conditions and availability of financial resources in different regions.

49. **The Committee urges the State party to further promote and embrace the concept of quality inclusive education, in line with its general comment No. 4 (2016) on the right to inclusive education. In particular, the Committee recommends that the State party adopt a long-term road map and an action plan to achieve inclusive education, with an established time frame, indicators and an adequate and transparent budget to ensure that all persons with all types of impairment have access to quality inclusive education.**

50. **The Committee also recommends the State party be guided by the Convention and the Committee's general comment No. 4 in its implementation of targets 4.5 and 4.a. of the Sustainable Development Goals.**

Health (art. 25) and habilitation and rehabilitation (art. 26)

51. The Committee is concerned about the insufficient and unequal access to quality health-care and rehabilitation services in all regions of the State party, and notes the recommendations made by the Committee on Economic, Social and Cultural Rights for the Russian Federation (see E/C.12/RUS/CO/6, paras. 50–51). The Committee is also concerned that there is no information available on the legislation governing the establishment of the Technical Means of Rehabilitation system.

52. **The Committee recommends that the State party take measures to ensure that persons with disabilities in all regions have access to quality health-care and rehabilitation services. The Committee also recommends that the State party revise its current legislation and practices regarding drug policy and preventive measures, by taking into account the recommendations made by the Committee on Economic, Social and Cultural Rights for the Russian Federation (see E/C.12/RUS/CO/6, paras. 50–51 in particular). The Committee also recommends that the State party develop legislation on the Technical Means of Rehabilitation system to provide for a transparent decision-making process with regard to the relevant safeguards.**

Work and employment (art. 27)

53. The Committee is concerned that the denial of reasonable accommodation for persons with disabilities is still not defined as a ground for discrimination under current legislation. The Committee is also concerned that there is insufficient information available on the "special posts" and the labour market programmes for persons with disabilities, in particular for persons with intellectual or psychosocial disabilities, and that there is a lack of transparent and formalized training and assistance in providing reasonable accommodation for persons with disabilities in the workplace.

54. **The Committee recommends that the State party define the denial of reasonable accommodation for persons with disabilities as a ground for discrimination in its legislation, in accordance with the Convention, and that it reverse the burden of proof onto the employer. It also recommends that the State party improve and standardize the support available for providing reasonable accommodation in the workplace.**

55. **The Committee also recommends that the State party be guided by the Convention in its implementation of target 8.5 of the Sustainable Development Goals.**

Adequate standard of living and social protection (art. 28)

56. The Committee is concerned about changes in the calculation of monthly financial support for work-related injuries and disabilities, which has reportedly been decreased based on the decision of the Supreme Court.

57. **The Committee recommends that the State party review its current practices and legislation concerning the administration of financial support for work-related injuries and disabilities, and that it amend the relevant rules to achieve a higher level of transparency with more effective safeguards, in accordance with the Convention.**

Participation in political and public life (art. 29)

58. The Committee is concerned that the State party does not have comprehensive and binding legislation to guarantee that persons with disabilities can exercise their electoral rights. Furthermore, the Committee notes that the relevant Decision No. 96/832-7 of 9 August 2017 made by the federal Central Electoral Commission contains only "recommendations".

59. **The Committee urges the State party to adopt comprehensive legislation or amend the current law on elections in order to ensure that elections and the relevant information for voting are accessible to all persons with disabilities, in line with paragraph 26 of the present concluding observations.**

Participation in cultural life, recreation, leisure and sport (art. 30)

60. The Committee is concerned that there is a lack of transparent information on the implementation of the laws mentioned in paragraph 191 of the written replies to the list of issues, with particular regard to the procedures for assisting persons with disabilities to exercise their cultural rights, and that there is no information on the implementation of Federal Act No. 34 concerning mandatory audio description and captioned films. The Committee is also concerned that while tourist services, including accommodation facilities, have been made more accessible for persons with physical disabilities, no provisions seem

to have been made for persons with sensory disabilities or other types of impairment. The Committee furthermore notes with concern that there are no mandatory accessibility standards for tourist services.

61. **The Committee recommends that the State party improve access to cultural life for all persons with disabilities, including persons with sensory disabilities, by establishing transparent procedures, evaluation mechanisms, and binding standards for the tourist services and cultural infrastructure in the Russian Federation, in line with its general comment No. 2.**

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

62. The Committee is concerned about the lack of information on the quality and accessibility of services provided to persons with various forms of disability following the establishment of the federal Registry of Persons with Disabilities. It is also concerned about the lack of information on the comprehensive and transparent strategy for disaggregated data collection.

63. **In view of target 17.18 of the Sustainable Development Goals, the Committee recommends that the State party improve the Registry of Persons with Disabilities, in accordance with the Convention, by respecting the right to privacy and by collecting, analysing and disseminating disaggregated data on the characteristics of its population with disabilities, including sex, age, ethnicity, type of impairment, socioeconomic status, employment, place of residence, and the barriers faced by persons with disabilities in society. The Committee also recommends that the State party rely on the methodology of the Washington Group on Disability Statistics.**

International cooperation (art. 32)

64. The Committee is concerned about the reported insufficient involvement of the Russian representative organizations of persons with disabilities in the field of international cooperation.

65. **The Committee calls on the State party to involve the Russian representative organizations of persons with disabilities in international cooperation, and to ensure that a disability rights-based perspective is included in all efforts aimed at the achievement of the Sustainable Development Goals, in accordance with the provisions of the Convention.**

National implementation and monitoring (art. 33)

66. The Committee is concerned about the lack of an explicitly identified coordination mechanism, as outlined in article 33 (1) of the Convention. It also notes with concern the insufficient involvement of the representative organizations of persons with disabilities in monitoring the implementation of the Convention. The Committee further notes insufficient and ineffective monitoring at the regional level of the State party.

67. **Taking into account the guidelines on independent monitoring frameworks and their participation in the work of the Committee (2016), the Committee recommends that the State party:**

(a) **Appoint focal point(s) to improve the harmonized implementation of the Convention in the State party, with particular regard to competencies at the regional level;**

(b) **Ensure the full and effective participation of persons with disabilities in the monitoring process through their representative organizations, including by providing the necessary funding.**

IV. Follow-up

Dissemination of information

68. **The Committee requests the State party to implement the recommendations contained in the present concluding observations.**

69. **The Committee recommends that the State party transmit the concluding observations for consideration and action to members of the Government and the National Assembly, officials in relevant ministries, the judiciary and members of relevant professional groups, such as education, medical and legal professionals, as well as to local authorities, the private sector and the media, using modern social communication strategies.**

70. **The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.**

71. **The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.**

Next periodic report

72. **The Committee requests the State party to submit its combined second and third periodic reports by 25 October 2022 and to include in them information on the implementation of the present concluding observations. The Committee also requests the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.**